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Report to Congressional Requesters

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ETHICS ENFORCEMENT

Results of Conflict of Interest Investigations

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United States
General Accounting Office
Washington, D.C. 20548

General Government Division

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February 19, 1988

The Honorable Carl M. Levin
Chairman, Subcommittee on
Oversight of Government Management
Committee on Governmental Affairs
United States Senate

The Honorable William S. Cohen
Ranking Minority Member, Subcommittee
on Oversight of Government Management
Committee on Governmental Affairs
United States Senate

The Honorable Gerry Sikorski
Chairman, Subcommittee on Human Resources
Committee on Post Office and Civil Service
House of Representatives

This report is in response to your request that we gather statistics on federal agencies' enforcement of the criminal laws involving ethical misconduct of federal employees. Agencies must refer cases to the Department of Justice for prosecutive determination when their Offices of Inspectors General (OIG) find that violations of criminal statutes may have occurred. We agreed with the Subcommittees to select 10 agency OIGs and determine the actions taken on alleged violations of criminal conflict of interest statutes reported during calendar years 1985 and 1986.

From the 10 OIGs that we selected for our review, we found that agencies referred 124 allegations to the Department of Justice for prosecutive determination. Of those allegations referred, 112 were found by the OIGs to involve a possible criminal violation of the conflict of interest laws. The Department of Justice prosecuted 2 of the 124 allegations, one of which resulted in a conviction under criminal laws relating to subjects other than conflicts of interest, and the other is an open case. The Department of Justice declined to prosecute 107 of the referrals and had not decided whether to prosecute 13. The OIGs did not know the Justice Department's decision on two allegations. Agencies took administrative action (e.g., suspension or dismissal) on 22 allegations, including 16 of the 112 allegations that were found to involve a possible criminal violation and were referred to the Department of Justice. (The information we gathered is discussed in detail in app. I.)

As requested by the Subcommittees, we did not obtain official agency comments on this report. However, we did confirm the information presented in this report with officials from the 10 OIGs from whom we collected the case-specific data. We also discussed the results of this report with officials from the Executive Office for U.S. Attorneys and the Public Integrity Section at the Department of Justice.

The Legal Counsel in the Executive Office for U.S. Attorneys did not have comments on the results of the report.

The Director of the Conflicts of Interest Crimes Branch in the Public Integrity Section provided general comments on the enforcement of the conflict of interest laws. He said that additional options could be made available in the handling of conflict of interest violations. For one, he believes the conflict of interest statutes could be amended to provide for misdemeanor penalties in addition to currently available felony penalties and agency administrative actions. Secondly, additional civil sanctions could be provided; these sanctions might have a deterrent effect. Finally, the Director believes that consideration of administrative action is an important component of the enforcement scheme and, where appropriate, such action should be pursued. He also feels that an office like the Office of Government Ethics is an essential component of the conflict of interest enforcement scheme.

Our field work was done between March and October 1987. Because the case data obtained in our review was limited to the 10 agencies we selected, generalizations cannot be drawn about case trends in other agencies. We test-checked information which we obtained from the 10 OIGs by a questionnaire against agency case files. (See app. IV.) It was not within the scope of our review to attempt to verify the accuracy of the case files nor to determine whether the agencies' identification of conflict of interest allegations in their files was all-inclusive. This review was done in accordance with generally accepted government auditing standards. (See app. II for details on our objective, scope, and methodology.)

As arranged with the Subcommittees, we plan no further distribution of this report until 30 days from the date of this letter unless you publicly announce its contents earlier. At that time, we will send copies to interested parties and make copies available to others upon request. If you

have any questions or need additional information, please contact me on 275-6204.

Rosslyn S. Kleeman

Rosslyn S. Kleeman
Senior Associate Director

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Abbreviations

AID	Agency for International Development
DOT	Department of Transportation
EEOC	Equal Employment Opportunity Commission
GSA	General Services Administration
HUD	Housing and Urban Development
OIG	Office of Inspector General
PIS	Public Integrity Section
SBA	Small Business Administration
TVA	Tennessee Valley Authority
USPS	United States Postal Service
VA	Veterans Administration

Conflict of Interest Allegations and Actions Taken by 10 OIGs

In calendar years 1985 and 1986, the 10 OIGs selected for case analysis received or detected a total of 304 allegations of possible violations of the federal conflict of interest statutes included in our review. Over half (170) of those 304 allegations were detected by the OIG at the Veterans Administration (VA) in 1986 through an OIG-initiated review of five companies and VA employees who had accepted funding, grants, honoraria, or gratuities from these firms. Of these 170 allegations, 165 were suspected violations of 18 U.S.C. 209 and the remaining 5 were suspected violations of 18 U.S.C. 203. Essentially, 18 U.S.C. 209 prohibits federal employees from receiving payment for their services from any outside source, and 18 U.S.C. 203 prohibits federal employees from receiving compensation for representing another party before a federal agency. (See p. 16 of app. IV for a more detailed description of these and other conflict of interest statutes.)

The remaining 134 allegations were generally reported to the 10 OIGs during 1985 and 1986 by sources outside the OIGs. The largest agencies (VA and the Postal Service) had the largest number of allegations, although the OIGs in some small agencies received more allegations than the OIGs in some larger agencies. For example, the Small Business Administration (SBA) has fewer employees and received more allegations than the Departments of Housing and Urban Development and Transportation. The allegations (83 of 134) most commonly involved possible violations of 18 U.S.C. 208, which essentially prohibits federal employees from acting in any matter in which they have a financial interest. Tables I.1 and I.2 show the status of the allegations received and detected by the OIGs for each of the 10 agencies and the conflict of interest statutes on which we focused. (See app. IV for a copy of the questionnaire we used to obtain this data.)

Table I.1: Distribution of Conflict of Interest Allegations by Agency

	Number of Allegations						
Agency	**Received by OIG**	**Investigation completed[a]**	**Believed to involve a crime**	**Referred to Justice[b]**	**Prosecuted by Justice**	**Convicted**	**Agency took administrative action[c]**
AID	15	12	3	3	0	0	1
Commerce	13	13	4	4	0	0	3
HUD	6	1	0	1	0	0	0
DOT	7	7	4	4	0	0	3
EEOC[d]	4	3	1	1	0	0	0
GSA	11	9	4	6	1	0	1
SBA	10	8	3	4	0	0	3
TVA	9	8	6	6	0	0	6
USPS	26	17	11	10	1	1	1
VA	33	22	7	12	0	0	4
VA OIG-Detected	170	170	71	73	0	0	0
Total	**304**	**270**	**114**	**124**	**2**	**1**	**22**

[a]Of the allegations reported by the OIGs, two were not investigated by the OIGs. The Commerce OIG did not investigate one allegation because it was found to be out of its jurisdiction and was referred to state authorities for investigation. The HUD OIG sent one allegation directly to the Federal Bureau of Investigation for investigation.

[b]Of the allegations which were referred to the Justice Department for prosecutive determination, two agencies (EEOC and AID) sent all of their allegations to its Criminal Division's Public Integrity Section (PIS). Five agencies (Commerce, Transportation, GSA, HUD, and SBA) sent all of their referred allegations to a U.S. Attorney. TVA sent five of its six referred allegations to the PIS and one to a U.S. Attorney. VA sent 1 of its 85 referred allegations to PIS; the rest went to a U.S. Attorney. The USPS forwarded 3 of its 10 referred allegations to PIS, and the remaining 7 allegations were sent to a U.S. Attorney. Referrals to the U.S. Attorneys and the Public Integrity Section are discussed in our earlier report, Ethics Enforcement: Process by Which Conflict of Interest Allegations Are Investigated and Resolved (GAO/GGD-87-83BR, May 21, 1987, pp. 8 and 9). Of the 114 allegations that were believed to involve a crime, 112 were referred to the Justice Department and 2 are pending referral.

[c]Of the 22 allegations that agencies took administrative action on, 5 were investigated under a conflict of interest criminal statute but were not believed to involve a violation of a criminal statute, and 1 was still under investigation.

[d]Although one of the criteria for selecting these agencies was their statement that they had received or detected at least five conflict of interest allegations in 1985 and 1986, EEOC files indicated it actually received four allegations.

Table I.2: Distribution of Conflict of Interest Allegations by Statute

	Number of Allegations						
Statutes	Received by OIG	Investigation completed	Believed to involve a crime	Referred to Justice	Prosecuted by Justice	Convicted	Agency took administrative action
Non-VA OIG Detected							
18 USC 203	4	1	0	0	0	0	0
18 USC 205	2	1	1	1	0	0	1
18 USC 207	20	13	5	6	0	0	1
18 USC 208	83	70	28	33	2	1	17
18 USC 209	10	7	5	7	0	0	3
Agency specific statute[a]	15	8	4	4	0	0	0
VA OIG-Detected							
18 USC 203	5	5	4	4	0	0	0
18 USC 209	165	165	67	69	0	0	0
Total	**304**	**270**	**114**	**124**	**2**	**1**	**22**

[a]All 15 allegations were received or detected by the U.S. Postal Service.

As shown by tables I.1 and I.2, the OIGs reported that 270 of the 304 allegations they received were investigated. Eight of the OIGs completed investigations on 75 percent or more of the allegations they received or detected.[1] Of the 270 completed investigations, 114 allegations were believed to involve possible violations of conflict of interest laws. Three OIGs (Department of Transportation, U.S. Postal Service, and Tennessee Valley Authority) concluded that the allegations in over half of their completed investigations were believed to involve possible criminal violations. A total of 124 allegations were referred to the Department of Justice for prosecutive determination.

Of the 124 allegations that had been referred to the Department of Justice, 112 were allegations that the OIGs concluded may have involved criminal violations of the conflict of interest laws;[2] 7 were allegations that the OIGs were still investigating or that were sent without investigation; and 5 were completed investigations with "other" outcomes. In four of these five investigations, the OIG could not determine whether a

[1]These eight OIGs are in the Agency for International Development, the Departments of Commerce and Transportation, the Equal Employment Opportunity Commission, General Services Administration, Small Business Administration, Tennessee Valley Authority, and VA.

[2]The remaining 2 of the 114 that the OIGs concluded may have involved a crime were pending referral to the Department of Justice.

criminal violation had occurred. The OIG concluded that the fifth allegation involved criminal laws relating to subjects other than conflict of interest.

Of the 124 allegations referred, the OIGs reported that the Justice Department prosecuted 2, decided not to prosecute 107, and had not yet decided whether to prosecute 13. The OIGs did not know what the Justice Department had decided in two cases. The two cases accepted for prosecution had been referred to a U.S. Attorney, with one of those prosecutions resulting in a conviction under criminal laws relating to subjects other than conflict of interest (bribery, theft of government property, and conspiracy to defraud the government). The other case accepted for prosecution by a U.S. Attorney was still open at the time of our study.

As discussed in an earlier report, Information on Selected Aspects of the Ethics in Government Act of 1978 (GAO/PEMD-83-22, Feb. 23, 1983), the Ethics in Government Act of 1978 (Public Law 95-521) gave agencies authority to take administrative action against violators of the postemployment restrictions in 18 U.S.C. 207, providing a greater probability that violators would be punished, since criminal prosecutions have been infrequent. Agencies also may take administrative action in cases involving ethical misconduct which does not constitute a criminal violation. According to regulations prescribed by the Office of Government Ethics (5 CFR 738.203), agency ethics officials are required to ensure that prompt and effective actions are undertaken to remedy violations or potential violations of the agency's standards of conduct, including postemployment restrictions and conflicts of interest disclosed on financial disclosure reports. We found that agencies use various administrative sanctions including suspension or dismissal of current employees, and barring former employees from contacting the agency pursuant to the postemployment provisions of 18 U.S.C. 207. Also, agencies are not required to defer administrative action on allegations referred to the Justice Department.

According to the OIGs, the agencies had taken administrative action, including dismissals of four employees, on 22 of the 304 total allegations and had decided to take action on one additional case. (See table I.1. TVA had taken action on 6 of the 22 allegations.) The OIGs did not know if action had been taken on 2 allegations and said that the agencies had taken no action on 25 allegations because the employees involved had resigned (16 of the 25 were VA OIG-detected allegations). No administrative action had been taken on 46 allegations for various reasons, such as

that the investigations were still in progress, the allegations were unfounded, or the allegations were pending at the Justice Department. Administrative action was not taken on another 112 allegations but the reasons were not specified or requested on the questionnaire (73 of the 112 were VA OIG-detected allegations). Decisions had not been made on whether to take administrative action on the remaining 96 allegations (74 of the 96 were VA OIG-detected allegations).

With respect to the 112 allegations that the OIGs had identified as possible criminal violations and had referred to the Justice Department, agencies had taken administrative action on 16 of the allegations. The agencies were considering whether to take administrative action on an additional 56 allegations.

Objective, Scope, and Methodology

The objective of our review was to provide statistics on actions taken on possible violations of criminal conflict of interest statutes reported to or detected by 10 statutory and nonstatutory OIGs in calendar years 1985 and 1986. Governmentwide criminal conflict of interest statutes are found in 18 U.S.C. 202-209. Some agencies advised us that they also have their own criminal conflict of interest statutes. We focused on the provisions that the Office of Government Ethics regards as the primary conflict of interest statutes contained in 18 U.S.C. 203, 205, 207, 208, and 209, and on the agency-specific criminal statutes. (See p. 16 in app. IV for a brief description of each governmentwide statute we focused on.)

To accomplish our objective, we first identified 51 executive agencies that have statutory or nonstatutory OIGs. Nineteen of the OIGs were established by statute, either in the Inspector General Act of 1978, Public Law 95-452, as amended, or in legislation pertaining to specific agencies. The other 32 were internal audit and/or investigative organizations in agencies that do not have statutory OIGs. We considered these to be nonstatutory OIGs for the purpose of our review.

We next selected 10 OIGs for review on the basis that they could provide data on the investigation and resolution of each conflict of interest allegation they received or detected in calendar years 1985 and 1986, and could readily identify the statute involved. Moreover, they indicated that they had at least five allegations in these years.

The OIGs that were chosen to provide the case-specific data for our review are in the following organizations: the Agency for International Development; the Departments of Commerce, Housing and Urban Development, and Transportation; the General Services Administration; the Small Business Administration; the Veterans Administration; the Equal Employment Opportunity Commission; the Tennessee Valley Authority; and the U.S. Postal Service. The first seven agencies have statutory OIGs and the last three have nonstatutory OIGs. (See app. III for details on the agencies contacted and the data they maintain.)

We designed a questionnaire to collect the data on the investigatory and enforcement actions taken by the OIGs, the agencies, and the Department of Justice regarding each conflict of interest allegation the 10 OIGs received in calendar years 1985 and 1986. (See app. IV for a copy of the questionnaire.)

The field work was done between March and October 1987. Because the case data obtained in our review was limited to the 10 agencies we selected, generalizations cannot be drawn about case trends in other agencies. We test-checked the information we obtained by questionnaire from the 10 ethics to agency case files. It was not within the scope of our review to attempt to verify the accuracy of the case files nor to determine whether the agencies' identification of conflict of interest allegations in their files was all-inclusive.

For the purposes of our review, an allegation is one possible statutory violation involving one individual. If an allegation involved more than one possible statutory violation by a single individual (e.g., a possible violation of both 18 U.S.C. 207 and 208 by one person), each possible violation was recorded as a separate allegation. Except for one case,[1] if a possible statutory violation involved more than one person, each person was recorded as a separate allegation (e.g., a possible violation of 18 U.S.C. 208 by two persons would be two allegations). The review was confined to government employees or former employees. That is, allegations involving nongovernment employees, contractors, or companies were not included in the review. This review was done in accordance with generally accepted government auditing standards.

[1]The Agency for International Development had one allegation that involved several employees. However, because the allegation was unfounded, the Agency for International Development did not keep a record of the number of employees involved. Thus, we included this as one allegation.

Agencies Contacted and the Data They Maintain

In order to select the 10 OIGs from whom case-specific data would be obtained, we conducted a telephone survey of 51 OIGs and asked about the data they maintain on conflict of interest allegations and investigation results for recent years. Specifically, we wanted to know

- whether the data maintained identified the particular conflict of interest statute involved in each allegation; and
- whether information about the history of the allegation was readily available, including whether the cases were investigated, whether they were referred to the Department of Justice for prosecutive determination, whether the cases were ultimately prosecuted by the Justice Department, whether the prosecution resulted in convictions, and whether any administrative action was taken by the agency.

Forty-one of the OIGs did not have data on conflict of interest allegations meeting the above criteria. Of these 41 OIGs, 18 generally did not receive conflict of interest allegations or did not have data available; 11 did not have a system of records that allowed easy identification and/or retrieval of information on conflict of interest allegations; 5 could not identify the statutes involved in the allegations; and 7 had received or detected fewer than five allegations in recent years. Details of our findings on data availability are included in tables III.1 and III.2.

Table III.1: Statutory OIGs' Data on Conflicts of Interest Allegations

Data not available in recent years (2)	Data available, but not readily retrievable (5)	Data readily retrievable, but cannot identify statute involved (5)	Data readily retrievable and complete, five or more allegations (7)
Railroad Retirement Board	Dept. of Agriculture	Dept. of Defense	Agency for International Development
U.S. Information Agency[a]	Dept. of Education	Dept. of Energy	Dept. of Commerce
	Dept. of State	Dept. of Health and Human Services	Dept. of Housing and Urban Development
	Environmental Protection Agency	Dept. of the Interior	Dept. of Transportation
	National Aeronautics and Space Administration	Dept. of Labor	General Services Administration
			Small Business Administration
			Veterans Administration

[a]Data is available from 1986 on; prior data is limited.

Table III.2: Nonstatutory OIGs' Data on Conflicts of Interest Allegations[a]

Data not available in recent years[b] (16)	Data available, but not readily retrievable (6)	Data readily retrievable and complete, but fewer than five allegations (7)	Data readily retrievable and complete, five or more allegations (3)
ACTION	Dept. of Justice	Commodities Futures Trading Corporation	Equal Employment Opportunity Commission
Consumer Product Safety Commission	Dept. of the Treasury	Federal Home Loan Bank Board	U.S. Postal Service
Farm Credit Administration	Federal Deposit Insurance Corporation	Merit Systems Protection Board	Tennessee Valley Authority
Federal Communications Commission	Federal Emergency Management Agency	Nuclear Regulatory Commission	
Federal Maritime Commission	National Endowment for the Humanities	Peace Corps	
Federal Reserve System	Panama Canal Commission	Pension Benefit Guarantee Corporation	
Export-Import Bank		Securities and Exchange Commission	
Inter-American Foundation			
Interstate Commerce Commission			
Legal Services Corporation			
National Credit Union Administration			
National Endowment for the Arts			
National Labor Relations Board			
National Science Foundation			
Office of Personnel Management			
Smithsonian Institution			

[a]Another agency office outside an office of Inspector General maintained data on conflict of interest allegations in five agencies (the Commodities Futures Trading Corporation, the National Endowment for the Humanities, the Panama Canal Commission, the Peace Corps, and the Securities and Exchange Commission).

[b]Of the 16 agency OIGs that did not have data available in recent years, 14 had not received or developed any conflict of interest allegations in 1985 and 1986.

Survey Results

U.S. GENERAL ACCOUNTING OFFICE
Federal Conflict of Interest Allegations

The U.S. General Accounting Office (GAO) has been requested by the Senate Subcommittee on Oversight of Government Management and the House Subcommittee on Human Resources to review the process by which federal conflict of interest allegations are investigated and resolved. To develop information on this, we are requesting that you COMPLETE THIS FORM FOR EACH CRIMINAL CONFLICT OF INTEREST ALLEGATION THAT YOUR AGENCY RECEIVED DURING CALENDAR YEARS 1985 AND 1986. IN ADDITION, PLEASE COMPLETE A BLUE FORM FOR EACH STATUTE INVOLVED IN THE ALLEGATION, AS INDICATED IN QUESTION E, BELOW. We are specifically interested in allegations concerning 18 U.S.C. 203, 205, 207, 208, and 209. Please refer to the other side of this form for a brief description of each statute.

The information that you provide will be combined with others and reported only in summary form.

We would appreciate your completing the forms by July 31, 1987. If you have any questions, please call Mr. Steve Wozny or Mr. Curtis Copeland at (202) 275-6511. When you have completed the forms, please call Ms. Anne Pond or Ms. Kathy Elaiwy at the same number, (202) 275-6511, and they will personally pick up the forms from your office.

Thank you for your cooperation.

A. Name, phone number, and position of agency official completing this form:

Name: _____ Telephone No.: (___) _____

Position: _____

B. Department/Agency: _____

C. Case number/file number: (EITHER MAKE UP OR USE AN EXISTING IDENTIFIER FOR THIS ALLEGATION WHICH COULD BE USED BY YOU AT A LATER DATE TO TRACE BACK TO THE ORIGINAL RECORD FOR POSSIBLE DATA VERIFICATION.) _____

D. Date allegation was reported to your agency: ____ / ____ / ____ (Month) (Day) (Year)

E. Which criminal conflict of interest statutes were suspected to have been violated in the allegation? (CHECK ALL THAT APPLY.)

	1. ___	18 U.S.C. 203	A 73	B 0	4. ___	83	18 U.S.C. 208
0	2. ___	18 U.S.C. 205	10	167	5. ___	175	18 U.S.C. 209
20	3. ___	18 U.S.C. 207	15	0	6. ___	15	Agency specific criminal conflict of interest statute

COMPLETE ONE BLUE FORM FOR EACH ITEM CHECKED IN QUESTION E, ABOVE. ON THE TOP OF EACH FORM, BE SURE TO RECORD THE CASE IDENTIFICATION NUMBER AND THE CONFLICT OF INTEREST STATUTE THAT WAS ORIGINALLY SUSPECTED TO HAVE BEEN VIOLATED. WHEN FINISHED, PLEASE CLIP TOGETHER THIS COVER PAGE AND THE BLUE FORM(S) ASSOCIATED WITH IT.

18 USC 203: Prohibits federal employees from directly or indirectly receiving compensation for representational services rendered by him/her or another, before an agency of the federal or D.C. government, on a matter in which the U.S. is a party or has an interest.

18 USC 205: Prohibits federal employees from representing any other person -with or without compensation- before an agency or court of the federal or D.C. government, on a matter in which the U.S. is a party or has an interest.

18 USC 207(a): Permanently bars former executive branch employees from representing anyone other than the U.S. before the government in connection with a particular matter involving a specific party or parties if he or she participated personally and substantially in that same matter as a government employee.

18 USC 207(b)(i): Bars for 2 years former executive branch employees from representing any other person in any matter pending under his or her official responsibility within 1 year prior to termination of that employee's service in the area of question.

18 USC 207(b)(ii): Bars for 2 years former high-level employees from assisting in representing by personal presence, before an agency or court of the U.S. or D.C., in connection with any particular matter in which he/she participated personally and substantially, and in which the U.S. or D.C. is a party or has an interest.

18 USC 207(c): Prohibits former high-level employees from contacting their former agency for 1 year on any particular matter which is pending before the agency or in which the agency has a direct and substantial interest.

18 USC 208: Prohibits current executive branch employees from participating personally and substantially in any particular matter that to their knowledge may affect a personal financial interest or the financial interest of a spouse, minor child, partner, organization in which the employee serves, or person or organization with whom the employee is negotiating for employment.

18 USC 209: Prohibits executive branch employees from receiving contributions to or supplementation of salary as compensation for official services.

Case Number/file number: _____ Statute: _____

1. Was the allegation initially investigated at your agency, either internally or with external assistance, to determine if the allegation was true? (CHECK ONE.)

A	B			
98	170	1. 268	Yes ——>	(CONTINUE TO QUEST. 2)
2	0	2. 2	No	(SKIP TO QUEST. 3)
34	0	3. 34	Investigation is in progress	
134	170	304		

2. What was the result of the investigation? (CHECK ONE.)

A	B			
43	71	1. 114	A possible criminal violation was found ——>	(CONTINUE TO QUEST. 3)
42	71	2. 113	Allegation of violation was unfounded ——>	(SKIP TO QUEST. 8)
13	28	3. 41	Other (Specify): _____	
98	170	268		

——> (CONTINUE TO QUEST. 3)

3. Was the allegation referred to the Department of Justice for prosecutive determination? (CHECK ONE.)

A	B			
51	73	1. 124	Yes ——>	(CONTINUE TO QUEST. 4)
39	26	2. 65	No	(SKIP TO QUEST. 8)
0	0	3. 0	Don't know	
2	0	4. 2	Anticipated	
92	99	191		

4. To which office in the Department of Justice was the allegation referred for prosecution? (CHECK ONE.)

A	B		
13	0	1. 13	Public Integrity Section, Criminal Division
38	73	2. 111	U.S. Attorney
0	0	3. 0	Other (Specify): _____
51	73	124	

5. Has the Department of Justice decided to prosecute? (CHECK ONE.)

A	B			
2	0	1. 2	Yes	->(CONTINUE TO QUEST. 6)
41	66	2. 107	No, decided not to ——	
6	7	3. 13	No decision yet made by Justice whether to prosecute	(SKIP TO QUEST. 8)
2	0	4. 2	Don't know _____	
51	73	124		

6. Is the case currently closed or open at the Department of Justice? (CHECK ONE.)

A	B			
1	0	1. 1	Closed ——>	(CONTINUE TO QUEST. 7)
1	0	2. 1	Open ——	
0	0	3. 0	Don't know _____	(SKIP TO QUEST. 8)
2	0	2		

7. How was the case resolved? (CHECK ALL THAT APPLY.)

A	B		
0	0	1. 0	Conviction was obtained under this statute
1	0	2. 1	Conviction was obtained under some other statute (e.g., perjury, false statements). Specify: _____
0	0	3. 0	No conviction
0	0	4. 0	Other (Specify): _____
0	0	5. 0	Don't know
1	0	1	

(CONTINUE TO QUESTION 8 ON OTHER SIDE.)

8. Has your agency taken administrative action on the case (for example, has the employee been reassigned, dismissed, or banned from the agency?) (CHECK ONE.)

A	B		
22	0	1. 22	Yes (Describe): _____
9	16	2. 25	No, administrative action was not taken because employee resigned
39	73	3. 112	No, administrative action was not taken for other reason(s)
22	74	4. 96	No decision has been made to date on whether to take administrative action
1	0	5. 1	Administrative action is decided upon, but pending
39	7	6. 46	Other (Specify): _____
2	0	7. 2	Don't know
134	170		304

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